

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICHARD J. DALY,)
vs.)
Plaintiff,)
No. CIV-15-503-C
WARDEN CHAD MILLER; C/O)
KIMBERLY SULLIVAN; and)
C/O ROY THORNHILL,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Suzanne Mitchell. Judge Mitchell entered a Report and Recommendation on January 15, 2016, to which Defendants Stouffer and Whitten timely objected.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. Judge Mitchell recommended Defendants Stouffer's and Whitten's Motions to Dismiss be denied, noting Plaintiff had pleaded facts which if proven would entitle him to relief. The Objections filed by Defendants offer nothing other than a rehash of arguments presented to Judge Mitchell. After de novo review, the Court reaches the same conclusions as Judge Mitchell.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 36). Plaintiff's claims against Defendant Rios are dismissed

without prejudice. A separate Judgment will issue at the close of this case. Plaintiff's claims against Defendants Stouffer and Whitten remain and this matter is referred back to Judge Mitchell.

IT IS SO ORDERED this 23rd day of February, 2016.



ROBIN J. CAUTHRON
United States District Judge